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Fallahi *et al.*  
Appl. No. 10/028,781**Remarks**

Upon entry of the foregoing amendment, claims 1-36 are pending in the application, with claims 1, 15, 22, 23, 27, and 34 being the independent claims. Claims 1, 27, and 34 are amended by the foregoing amendment. Claims 15-26 were indicated to be allowable. These changes are believed to introduce no new matter, and their entry is respectfully requested. Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

**Rejections under 35 U.S.C. § 102**

Claim 1 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,796,295 to Gay *et al.* (hereinafter Gay). Claim 1 was also rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Akselsen. Applicants respectfully traverse this rejection.

Independent claim 1 was amended as follows:

*...the relay is closed and the switch component of the switchable resistor is open when no power is applied to the communications device;  
and*

*the relay is open-circuited and said switch component is closed when power is applied to the communications device. (See, claim 1)*

Gay makes no mention of opening and closing the PNP 5 based on power being applied to the communications device, as recited in amended claim 1. In fact, for a PNP device, the base-emitter junction must be forward biased to turn on the PNP and close the switch, which inherently requires power. Accordingly, Gay does not, (and cannot)

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teach the feature of *closing the relay when no power is applied*, as recited in amended Claim 1. Even replacing the PNP with a native FET device, the hypothetical combination does not teach or suggest that *the relay is open-circuited...when power is applied to the communications device*, as recited by claim 1.

Further, Gay makes no mention of the impedances 11 and 10 being switchable. This distinction was pointed out in the last reply (dated 5/28/04) but was curiously not addressed in the present Office Action. Applicants have further amended claim 1 so that the switchable resistor includes a *resistor component* and *switch component*. If a future Office Action maintains this rejection using Gay, then Applicants would appreciate explicit notice of this feature. Further, amended claim 1 further requires that the switch component of the switchable resistor be *open when no power is applied and closed when power is applied to the communications device*. As discussed above, Gay makes no mention of the impedances 11 and 10 being switchable, and certainly does to recite the specific combination discussed above. Accordingly, Gay does not disclose each and every feature of amended claim 1, and therefore does not anticipate amended claim 1.

Regarding Akselsen, the switch 44 in FIG.2 is configured so the phone input 12 is always connected either the PSTN 14 or the computer network interface 62. The switch 44 is never configured so that the output is *open circuited when power is applied to the communications device*, as recited in Applicant's claim 1. Accordingly, Akselsen also does not disclose each and every feature of amended claim 1 and therefore does anticipate claim 1.

Based on the discussion above, neither Gay or Akselsen teaches or suggests each and every feature of amended claim 1 and therefore does not anticipate claim 1.

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Accordingly, Applicants request the rejection under 35 U.S.C. §§ 102(b) and 102(e) be removed and that claim 1 and its respective dependent claims be passed to allowance.

Claim 34 includes the features of the relay being substantially closed when no power is applied and substantially open-circuited when power is applied. Per the discussion above, neither Gay or Akselsen teach or suggest this feature. Accordingly, claim 34 and its respective dependent claims are also allowable over the cited art.

***Rejections under 35 U.S.C. § 103***

Claims 2-14 and 27-33 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gay in view of U.S. Patent No. 5,828,244 to Palara *et al.* (hereinafter Palara).

Claim 2-14 depend from claim 1. Amended claim 1 is allowable over Gay for the reasons mentioned above. Palara does not cure the defects of Gay in regards to amended claim 1. Therefore, claims 2-14 are allowable over Gay in view of Palara for the same reasons mentioned above in addition to their own patentable features.

Amended *claim 27* recites a communications device, including:

- a substrate having an input and an output that are capable of being connected to a communications network;
- a *filter*, external to said substrate, and coupled to said input;
- a *switchable* termination, disposed on said substrate and across an output of said filter, said termination adapted to provide a constant input impedance at an input of said filter; and
- a relay, disposed on said substrate and connected between said input and said output of said substrate, said relay including first and second *native FETs* that have a threshold voltage of approximately zero volts. (See, amended claim 27)

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Applicants assert that this particular combination of the *external filter*, *switchable termination* that provides a constant input impedance for the filter, and relay with *native FETs* is patentable over the cited art. It is noted that neither the filter, the switchable termination, nor the native FETs is found in Gay. Nor does the Office Action even suggest this. Accordingly, it is simply impermissible hindsight to discern that each of these elements are obvious in light of Gay. In other words, there must be some motivation to modify either Gay or Palara to provide these missing elements in order the meet the requirements of prima facie obviousness. (See, MPEP 2143). For instance, Gay does not teach or suggest a *switchable termination* resistor or an *external filter*, as is admitted in the Office Action. Accordingly, there is no motivation to modify the impedances 10, 11 of Gay to connect them *across the output of an external filter* and to *provide a constant input impedance at an input of the filter*, as recited in claim 27, because there is no external (or internal) filter in Gay.

For the above mentioned reasons, the prima facie requirements for an obviousness rejection of claim 27 have not been met. Accordingly, Applicants request that the rejection of claim 27 be removed and that this claim and its respective dependent claims be passed to allowance.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for

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allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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